

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-017253

09/20/2017

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

K A FUCIARELLI, et al.

RICHARD G HIMELRICK

v.

RICHARD BROWN, et al.

DAVID H CARMICHAEL

JAMES ST. PIERRE CHRISTIAN
DOCKET-CIVIL-CCC

DISMISSAL - PARTIAL

Before the court is Defendants' August 14, 2017 Motion to Dismiss Defendants' Counterclaim and Plaintiffs' August 28, 2017 Response. The only dispute is over whether dismissal is with or without prejudice. The court cannot determine from the record or the briefs whether the counterclaim is compulsory. It will therefore dismiss without prejudice and any issue concerning res judicata can be adjudicated if such claims are asserted again.

IT IS ORDERED granting the Motion and dismissing the counterclaim without prejudice.

/ s / RANDALL H. WARNER

JUDGE OF THE SUPERIOR COURT